IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LDG.) NO. 423 OF 2006.

Shantilal Somaiya & others. ... Petitioners
Versus.
The Tahsildar Kurla at Mulund
and others. ... Respondents.

Shri D.V.Merchant with Ms.Anagha Patwardhan and Shri Pratik Pawar i/bny M/s.Shaunak Satpute & Co. for the Petitioners.

Ms.Geeta Shastri, A.G.P. for the Respondents.

CORAM : H.L.GOKHALE, &
ABHAY S. OKA, JJ.

DATED : 24th FEBRUARY, 2006.

P.C.:

1. Heard Shri Merchant in support of this petition. Ms.Shastri, A.G.P. appears for the Respondents. The Respondents have issued three restraint orders. They are all dated 4th February 2006. The first notice is demanding a sum of Rs.7,37,695/-, the second notice is for Rs.10,58,830/- and the third notice is for Rs.3,12,757/-. These orders are issued on account of non-payment of N.A.Assessment charges. These orders are under challenge in this petition. The Petitioners have filed an appeal and have applied for stay before the appropriate authority. In the meanwhile after passing of these restraint orders, Ms.Shastri informs that the amount of Rs.7,37,695/- has already been transferred from the Petitioners' Bank to the account of the Government in the Reserve Bank of India. It is the

other two amounts which remained to be paid. Shri Merchant states that the Petitioners will deposit these two amounts with the Tahsildar without prejudice. Thereafter the attachment will be lifted and the Petitioners will be afforded hearing at the earliest and the defence of the Petitioners with respect to the claim made by the authorities will be examined and decided on merits. In the event any claim is found to be unjustified the amount concerned refundable will be refunded to the Petitioners with appropriate interest. Rate of interest to be decided by the authority concerned. Petition disposed of.

(H.L.Gokhale, J.)

(Abhay S.Oka, J.)